

## REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1, 3, 5, 6, 9-11 are rejected under 35 U.S.C. 102(b) over the patent to Walker.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) over the patent to Walker.

Claims 12-15 are rejected under 35 U.S.C. 103(a) over the patent to Farley in view of the patent to Walker.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants have amended the claims currently on file to more clearly define the present invention and to distinguish it from the prior art.

Claims 1 and 9 now define a method of stopping and extinguishing forest fires and a system for stopping and extinguishing forest fires, in which at least one substantially vertical wall is erected, composed of a fabric fire-resistant material which is unrolled from a roll of such a material, and

configured so that when a forest fire reaches the wall it can be stopped and extinguished, and the supports support the fabric fire-resistant material wall and extend over a whole height of the wall.

Turning now to the references and in particular to the patent to Walker, it can be seen that this reference discloses a portable fire shield. The device disclosed in this reference and the method carried out in this reference are implemented so that the fire shield protects fireman from fire and serve for supporting a water hoses. The reference does not disclose any vertical wall composed of a fabric fire-resistant material which is unrollable from a wall and configured to stop and extinguish a forest fire, and also is supported from the supports extending over the whole height of the wall.

It is believed that the new features of the present invention as defined in claims 1 and 9 are not disclosed in the patent to Walker.

The original claims were rejected over this reference under 35 U.S.C. 102(b) as being anticipated. In connection with this, it is believed to be advisable to cite the decision in *re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the patent to Walker does not disclose each and every feature of the present invention as now defined in claims 1 and 9. Therefore it is believed that the anticipation rejection over this reference should be considered as no longer tenable and should be withdrawn.

Some claims were rejected over the patent to Walker as being obvious under 35 U.S.C. 103. Since the patent to Walker does not contain any hint or suggestion for the features which are now defined in the amended claims 1 and 9. In order to arrive at the applicant's invention as defined in claims 1 and 9 from the teaching of the patent to Walker as a matter of obviousness, the construction disclosed in the patent to Walker has to be fundamentally modified. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the patent to Walker does not provide any support for such modifications.

It is therefore believed that the Examiner's grounds for the rejection of the original claims over the patent to Walker under 35 U.S.C. 103 should also be considered as no longer tenable and should be withdrawn.

The patent to Farley also does not teach the new features of the present invention as defined in the amended claims 1 and 9, and therefore the rejection of the dependent claims over this reference in combination with the patent to Walker should be considered as not tenable with respect to claims 1 and 9 and should be withdrawn.

Claims 1 and 9 should be considered as patentably distinguishing over the art and should be allowed.

The Examiner's attention is respectfully directed to the features of claim 7 and 14. These claims, in addition to the features of claims 1 and 9 and in combination with them, define vegetation which are broad behind at least one wall to the ground, with an anti-fire foam applied on the vegetation brought

to the ground. These features are not disclosed in any of the references. They are new, and the Examiner did not apply any prior art against these features. Moreover, these features should be considered in combination with the features of claims 1 and 9 to provide a very reliable stopping and extinguishing of forest fires.

The method disclosed in claim 7 in addition to claim 1, and the system disclosed in claim 14 in addition to claim 9, are not disclosed in the references and can not be derived from them as a matter of obviousness. Therefore claim 7 and 14 should also be considered as patentably distinguishing over the art and should also be allowed.

Finally, the Examiner's attention is respectfully directed to the features of claims 8 and 15, in combination with claims 7, 1 and 14, 9. The combined features of claims 1, 7, 8 and 9, 14, 15 are not disclosed in the references. These features provide a further extremely efficient way of stopping and extinguishing of forest fires.

It is therefore believed that claims 8 and 15 should also be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

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